

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

GEORGE WALKER KIRKLAND,

Petitioner,

V.

Warden TRACY JEFFERSON,

Respondent.

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CIVIL ACTION NO. 5:20-CV-78 (MTT)

ORDER

United States Magistrate Judge Stephen Hyles recommends transferring this case to the Southern District of Georgia under 28 U.S.C. § 2241(d). Doc. 18. Petitioner George Walker Kirkland has filed an “Objection/Letter” to the Recommendation. Doc. 22. Pursuant to 28 U.S.C. § 636(b)(1), the Court has thoroughly considered Kirkland’s objection and made a de novo determination of the portion of the Recommendation to which Kirkland objects.

Kirkland's only argument in his objection is that the Middle District is closer to his prison and that his case has been in the Middle District for months. Doc. 22. But convenience and efficiency do not determine a court's jurisdiction. Instead, proper jurisdiction concerning habeas petitions is found under 28 U.S.C. § 2241(d), which states:

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, *the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district*

courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

28 U.S.C. § 2241(d) (emphasis added). Kirkland was convicted and sentenced in Emanuel County, which is in the Southern District of Georgia, and was a Southern District resident when he filed his petition. Doc. 18 at 2.

Accordingly, after review, the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation is **ADOPTED** and made the Order of the Court. The Court **ORDERS** this action be transferred and **DIRECTS** the Clerk of the Court to transfer the case, including all pending motions, to the United States District Court for the Southern District of Georgia.

SO ORDERED AND DIRECTED, this 29th day of September, 2020.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT